

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARRIOTT INTERNATIONAL, INC.,

Plaintiff,

-against-

VERTICAL EXCELLENCE, INC.,

Defendant.

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GARAUFIS, District Judge.

On September 20, 2005 Magistrate Judge Joan Azrack issued a Report and Recommendation (“R&R”) in the above-captioned action recommending that the defendant’s summary motion be granted. No objections to the R&R have been timely filed. This court has reviewed the R&R and is satisfied that there is no clear error on the face of the record. The Clerk of the Court is directed to enter judgment as set forth by Magistrate Judge Azrack and as detailed above.

SO ORDERED.

Dated: October 7, 2005  
Brooklyn, N.Y.

/s/ Nicholas G. Garaufis  
Nicholas G. Garaufis  
United States District Judge